

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:14-CT-3321-BO

MICHAEL CAMP,

Plaintiff,

v.

DENNIS DANIELS, LEWIS ROWE,
ROBERT BURGESS AND BRAD
FIELDS,

Defendants.

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ORDER


On June 29, 2015, Magistrate Judge Numbers issued An Order and Memorandum and Recommendation (“M&R”) [D.E. 16]. In the M&R, Judge Numbers recommended that plaintiff’s motion to amend his complaint be granted, his motion to appoint counsel be denied, and that he be allowed to proceed with his Eighth Amendment claim. Judge Numbers recommended that the court dismiss plaintiff’s claim alleging a due process violation. See id. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only

satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the pleadings. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 16]. Plaintiff's motion to amend is GRANTED, his motion to appoint counsel is DENIED, and his Due Process claim is DISMISSED. Plaintiff may proceed with his Eighth Amendment Claim. The clerk shall manage the action pursuant to Standing Order 14-SO-02. If service on defendants pursuant to the standing order fails, the court DIRECTS the United States Marshal Service to make service pursuant to 28 U.S.C. § 1915(d).

SO ORDERED, this the 14 day of August, 2015.


TERRENCE W. BOYLE
United States District Judge